

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION
4 CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC
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7 CPI SECURITY SYSTEMS, INC.,)

)

8 Plaintiff,)

)

9 vs.)

)

10 VIVINT SMART HOME, INC. f/k/a)

Mosaic Acquisitions)

Corporation; and LEGACY)

11 VIVINT SMART HOME, INC. f/k/a)

Vivint Smart Home, Inc.,)

12)

Defendants and)

13 Counterclaimants.)

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18 DEPOSITION OF GINGER GARREN
19 (TAKEN BY PLAINTIFF)
20 TAKEN VIA ZOOM
21 Thursday, August 19, 2021
22
23
24

Reported in Stenotype by

25 Erin Ramsey

Transcript produced by computer-aide transcription

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 ON BEHALF OF PLAINTIFF:</p> <p>3 DANIEL ROHNER, ESQUIRE</p> <p>4 Shook, Hardy & Bacon, LLP</p> <p>5 1660 17th Street</p> <p>6 Suite 450</p> <p>7 Denver, Colorado 80202</p> <p>8 (303) 285-5300</p> <p>9 Drohner@shb.com</p> <p>10 ON BEHALF OF DEFENDANT:</p> <p>11 MATTHEW STEWARD, ESQUIRE</p> <p>12 Clyde Snow</p> <p>13 201 S. Main Street</p> <p>14 Suite 1300</p> <p>15 Salt Lake City, Utah 84111</p> <p>16 (801) 322-2516</p> <p>17 Mas@clydesnow.com</p> <p>18 Job No. CS4749790</p> <p>19</p> <p>20</p> <p>21 DEPOSITION OF GINGER GARREN, a witness called</p> <p>22 on behalf Plaintiff, before Erin Ramsey, Notary</p> <p>23 Public, in and for the State of North Carolina, taken</p> <p>24 via Zoom on Thursday, August 19, 2021, commencing at</p> <p>25 10:04 a.m.</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the beginning</p> <p>2 of the videotape deposition of Ginger Garren in the</p> <p>3 matter of CPI Security Systems, Incorporated, versus</p> <p>4 Vivint Smart Home, Incorporated, et al. Today's date</p> <p>5 is August 19th, 2021, and the time is 10:04 a.m.</p> <p>6 Counsel, please introduce yourselves after</p> <p>7 which our court reporter will swear in the witness.</p> <p>8 MR. ROHNER: This is Dan Rohner, with</p> <p>9 Shook, Hardy & Bacon, LLP, on behalf of the</p> <p>10 plaintiffs, CPI Security Systems, Incorporated.</p> <p>11 MR. STEWARD: Good morning everyone. This</p> <p>12 is Matt Steward with Clyde Snow on behalf of the</p> <p>13 defendants.</p> <p>14 GINGER GARREN,</p> <p>15 called as a witness by the Plaintiff, was first duly</p> <p>16 sworn, as hereinafter certified, examined, and</p> <p>17 testified as follows:</p> <p>18 EXAMINATION</p> <p>19 BY MR. ROHNER:</p> <p>20 Q. Good morning, Ms. Garren. Am I pronouncing</p> <p>21 that right?</p> <p>22 A. Yes.</p> <p>23 Q. Garren. My name is Dan Rohner as I just</p> <p>24 mentioned and I'm an attorney and I represent the</p> <p>25 plaintiff in this case, CPI Security Systems.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX OF EXAMINATIONS</p> <p>2 BY MR. ROHNER..... PAGE 4</p> <p>3 BY MR. STEWARD..... PAGE 17</p> <p>4 BY MR. ROHNER..... PAGE 23</p> <p>5 BY MR. STEWARD..... PAGE 24</p> <p>6</p> <p>7</p> <p>8 INDEX OF EXHIBITS</p> <p>9 NUMBER EXHIBIT MARKED</p> <p>10 Exhibit 1 CPI Contract.....10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Have you ever been deposed before?</p> <p>2 A. Have I been what?</p> <p>3 Q. Have you been been a witness in a deposition</p> <p>4 before?</p> <p>5 A. No, I've never been in a courtroom or nothing</p> <p>6 before so I don't know what to expect.</p> <p>7 Q. Right. Let me just go over a couple of sort of</p> <p>8 ground rules and things that will help you going</p> <p>9 forward. I'm going to be asking you some questions</p> <p>10 and you're going to be giving answers. There's -- you</p> <p>11 heard Ms. Ramsey speaking before, she's a court</p> <p>12 reporter, and she's going to be taking down everything</p> <p>13 you say and everything I say as well as potentially</p> <p>14 objections from one of the lawyers. So it's going to</p> <p>15 be one important thing especially over Zoom like this</p> <p>16 is that we all take some time to make sure that we're</p> <p>17 each finished with -- for me that I'm finished with my</p> <p>18 question before you answer, and also I'll try and wait</p> <p>19 for your answer to be done before I ask the next</p> <p>20 question. And that will make it a lot easier for the</p> <p>21 court reporter to write down everything that we both</p> <p>22 say.</p> <p>23 Does that make sense?</p> <p>24 A. Yes.</p> <p>25 Q. And so a second kind of ground rule is because</p>

<p style="text-align: right;">Page 6</p> <p>1 she's writing down everything we say when we give an 2 answer that's a yes or a no it's important that it be 3 an audible -- we use those words yes or no. The court 4 reporter can't mark down people shaking their head or 5 yes or no with gestures. 6 In addition, a lot of times witnesses will say 7 things like uh-huh or uh-uh and it may seem -- in a 8 normal conversation that works fine, when you're doing 9 a deposition it can be difficult to understand what 10 the purpose or what the meaning of that phrase was. 11 So again, if I ask you question and the answer is yes 12 it's important that you say yes, and if it's no it's 13 important that you say the word no. 14 Does that make sense? 15 A. Yes. 16 Q. Great. Perfect. Good job. And so -- next, 17 this is not -- I don't anticipate this is going to be 18 a very long deposition but if at some point you need a 19 break just let me know and we'll take a break if you 20 need to use the restroom or anything like that. Okay? 21 A. Yes. 22 Q. And lastly, again, they'll be times when a 23 lawyer may make an objection to a question that's 24 asked by the other lawyer, and so when that does 25 happen I do -- I ask that you pause and wait for the</p>	<p style="text-align: right;">Page 8</p> <p>1 A. It will be two years at the end of September. 2 Q. And if you don't mind my asking, how old are 3 you, Ms. Garren? 4 A. I am 52. 5 Q. And are you employed? 6 A. Yes. 7 Q. What do you do? 8 A. I am a teacher at Sugarloaf Elementary with 9 Henderson County Public Schools. 10 Q. And what grade do you teach? 11 A. Second grade. 12 Q. I surmise that from the background. 13 A. Yes. 14 Q. It looked like a school. Now, at your 15 residence do you have a security system? 16 A. Yes. 17 Q. And who is your current provider of security 18 services? 19 A. CPI. 20 Q. And how long have you been a CPI customer? 21 A. Since 2017. 22 Q. At any point -- you mentioned that you were in 23 your current residence only for two years, were you a 24 CPI customer before you moved to your current home? 25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 objection and then I'm going to ask you -- say if it's 2 an objection on one of my questions I'm still going to 3 ask you to answer the question. Okay? 4 A. Okay. 5 Q. And lastly, if I ask a question and you don't 6 understand it, please tell me. I'm happy to rephrase 7 my question. The goal here is to ensure that -- that 8 you're answering questions that you understand and so 9 that we can have a clear record. So at any time you 10 need me to rephrase something just let me know and 11 I'll be happy to do that. 12 A. Okay. 13 Q. But if I do ask a question and you answer it 14 I'm going to assume, and the record is going to 15 assume, that you understood what the question meant. 16 Understood? 17 A. Yes. 18 Q. Okay. And so I'll get started here. Believe 19 you said your name when you were sworn in is Ginger 20 Garren. Where do you live? 21 A. I live in Fletcher, North Carolina. 22 Q. And what's your address? 23 A. 314 Cardwell Lane, Fletcher, North Carolina 24 28732. 25 Q. And how long have you lived there?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. I'm going to -- and this is my first 2 time doing this round of Veritext depositions so I'm 3 it's -- things have changed a little bit since the 4 last case I did and so I'm going to be showing you a 5 document and I don't know -- are you use I phone right 6 now? 7 A. Yes. 8 Q. Let's see if I can get this to work here. So 9 hold on one second. 10 MR. ROHNER: Could we go off the record 11 real quick? 12 THE VIDEOGRAPHER: Sure. The time is 13 10:12 a.m., we are off the record. 14 (An off-the-record discussion was held.) 15 THE VIDEOGRAPHER: Time is 10:14 a.m., 16 we're back on the record. 17 BY MR. ROHNER: 18 Q. Ms. Garren, I am -- on your screen you should 19 see a document and it's got an exhibit sticker on it. 20 It's marked as Plaintiff's Exhibit 1, you'll see a 21 little yellow sticker on the bottom. And you see at 22 the top of the document it says CPI Security 23 Installation and Monitoring Agreement-Residential and 24 then for customer name it has your name; do you see 25 that?</p>

<p style="text-align: right;">Page 10</p> <p>1 (Plaintiff's Exhibit 1 was marked for 2 identification.) 3 A. Yes. 4 Q. Do you recognize this document? And if you 5 need me to scroll through it I'm happy to do that 6 slowly if it's helpful. Well, not that fast. 7 A. I have a document from them. 8 Q. Okay. Does -- so at the bottom of the first 9 page you'll see a date -- let me pull this up for you. 10 Scan it. You'll see that there's an electronic 11 signature there with your name and it's dated 12 10/4/2019; do you see that? 13 A. Yes. 14 Q. Okay. Is this the contract that you signed 15 with CPI for the monitoring of your new -- the house 16 that you moved in to two years ago? 17 A. Yes. 18 Q. And is this -- to the best of your knowledge is 19 this the contract that's still in place for you -- 20 A. Yes. 21 Q. -- with CPI? 22 A. Yes. 23 Q. Okay. And between October of 2019 and today 24 that contract is still in place? 25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No. 2 Q. Did you have prior knowledge that someone was 3 going to be coming to your door that day? 4 A. No. 5 Q. So your doorbell rang, you opened the door? 6 A. Yes. 7 Q. And tell me what happened next. 8 A. The man proceeded to tell me he was in the 9 neighborhood and one of my neighbors had told him to 10 come to me or something. Anyway, he said that he was 11 selling security, said he wanted to talk to me about a 12 security system and I told him I did not need a 13 security system, that I already had CPI, and he said 14 well we're a part of CPI we just have additional 15 options than what you have. And then I still told him 16 I didn't want any more and then he kept asking about 17 my security system and wanted to see it and I told him 18 no and I did not allow him in my house. 19 And he did finally leave. He was persistent 20 but I didn't talk to him any more than that, just told 21 him that I was not interested. 22 Q. Let me -- I want to back up a little bit and 23 just go over a couple of those points. You said this 24 conversation took place, he was outside you were still 25 inside your house?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Since -- since you executed that agreement with 2 CPI have you been solicited by any other security 3 companies? 4 A. Yes. 5 Q. And do you know the names of those security 6 companies you've been solicited by? 7 A. Vivint. 8 Q. I believe it's pronounced Vivint. 9 A. Vivint. 10 Q. Yes. Okay. And when were you solicited by 11 Vivint? 12 A. I do not recall the exact date. 13 Q. Give me your best estimate as to time period 14 when this happened? 15 A. It would have been late 2019 maybe. Or not '19 16 I'm sorry. Yes, '19. Am I mixed up on my years 17 because I moved twice in two years. 18 Q. So it was not long after you signed this 19 contract? 20 A. I don't think so. 21 Q. And how -- describe to me how that came about, 22 this solicitation by Vivint. 23 A. My doorbell rang and when I answered it it was 24 a representative. 25 Q. Let me ask you, were you expecting anyone?</p>	<p style="text-align: right;">Page 13</p> <p>1 A. I was standing at the door. 2 Q. And you said that when you told him that you 3 were already a customer of CPI he said something -- he 4 said well, we're a part of CPI; is that right? 5 A. Yeah -- yes. He said we're a part a CPI or 6 we're with CPI, one of those. 7 Q. When he said either we're a part of CPI or 8 we're with CPI, what did you understand him to mean? 9 MR. STEWARD: Objection, form. 10 A. I thought it was -- I thought it was an 11 extension of CPI but it didn't make sense to me. 12 Q. Okay. 13 A. He had a badge and it had an orange symbol and 14 so I just -- I've been taken by scams before so I just 15 did not engage any further. 16 Q. So when he said that his company was a part of 17 CPI or with CPI did you believe him? 18 A. I wasn't sure. I just knew in my thinking it 19 was just strange that a totally different -- the 20 orange and all that instead of the red CPI that why 21 would it be, like, a separate look to it. And he was 22 saying that they had additional options to add to it 23 and it was, like, the outside monitoring. 24 Q. When you say additional options to add to it, 25 add to what? To your security system?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Did he say anything else about the</p> <p>3 relationship between CPI and Vivint?</p> <p>4 A. No.</p> <p>5 Q. Did you ask any more questions about the</p> <p>6 relationship between CPI and Vivint?</p> <p>7 A. No.</p> <p>8 Q. What else do you remember about your</p> <p>9 conversation with the salesperson?</p> <p>10 A. I just remember he, like, was questioning me</p> <p>11 about my CPI system, which one I had, and I'm, like, I</p> <p>12 didn't -- I told him I didn't know. He wanted to come</p> <p>13 in and look and I said no, you're not coming into my</p> <p>14 home. And then he said well, we can add to it and I</p> <p>15 told him no, I was not interested in any more security</p> <p>16 that I had what I needed.</p> <p>17 Q. Anything else before the conversation ended?</p> <p>18 A. No. He just said if I knew of anyone else in</p> <p>19 the neighborhood needing a security system that --</p> <p>20 Q. Did you give him --</p> <p>21 A. I didn't even keep his contact information. I</p> <p>22 think he just give me a card and I just threw it away.</p> <p>23 Q. Do you know what his name was?</p> <p>24 A. No.</p> <p>25 Q. Could you describe him for me to the best of</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Could you repeat the question.</p> <p>2 Q. Did anything about your interaction cause you</p> <p>3 any concern?</p> <p>4 A. The reason I have security is because I am</p> <p>5 single and just him trying to -- wanting to come into</p> <p>6 my home and I did not want to allow that. That was</p> <p>7 the only thing. I had an e-mail at some point from</p> <p>8 CPI about Vivint trying to take their customers or</p> <p>9 something, that's when I called and reported that that</p> <p>10 had happened to me as far as him trying to represent</p> <p>11 himself as far as CPI.</p> <p>12 Q. So at some point you reached out to CPI and</p> <p>13 described this interaction you had with this Vivint</p> <p>14 representative?</p> <p>15 A. Yes, when I saw thE e-mail warning customers</p> <p>16 about it.</p> <p>17 Q. If you know, have you had any communications</p> <p>18 with any neighbors that had similar experiences?</p> <p>19 A. No.</p> <p>20 Q. And have you had any further communication or</p> <p>21 interactions with anyone from Vivint since you had</p> <p>22 this interaction with the sales member?</p> <p>23 A. No.</p> <p>24 MR. ROHNER: I don't have any further</p> <p>25 questions.</p>
<p style="text-align: right;">Page 15</p> <p>1 your memory.</p> <p>2 A. Maybe 20s, maybe early 30s. He had a hat on.</p> <p>3 I don't know and it was at night. It was dark outside</p> <p>4 I have a street light but it wasn't a lot.</p> <p>5 Q. Do you recall approximately what time it was</p> <p>6 that he came to your door?</p> <p>7 A. It was a little after 7:00 p.m.</p> <p>8 Q. After -- when the conversation -- how did the</p> <p>9 conversation with him end?</p> <p>10 A. I just firmly told him I did not want any more</p> <p>11 security system options set up, that I was not</p> <p>12 interested.</p> <p>13 Q. And did you see -- where did he go after he</p> <p>14 left your house, did you see?</p> <p>15 A. He just went around -- I don't know. I'm kind</p> <p>16 of in a curb. So there's still a lot of construction,</p> <p>17 it's a fairly new development and so there wasn't any</p> <p>18 more houses on the other side of me. I was the last</p> <p>19 house in the phase one and so he went around the road</p> <p>20 but there was nothing back there so I don't know where</p> <p>21 he went.</p> <p>22 Q. And have you seen him since then?</p> <p>23 A. No.</p> <p>24 Q. Did anything about your interaction with this</p> <p>25 sales representative concern you after he had left?</p>	<p style="text-align: right;">Page 17</p> <p>1 EXAMINATION</p> <p>2 BY MR. STEWARD:</p> <p>3 Q. Good morning, Ms. Garren. My name is Matt</p> <p>4 Steward, I'm an attorney who works for Vivint and I</p> <p>5 just have some questions for you. Are you doing okay</p> <p>6 on time? Do you have a deadline we're working against</p> <p>7 or anything like that?</p> <p>8 A. This was our first week back to school so it's</p> <p>9 all professional development teacher workdays and I'm</p> <p>10 in the trainings today, mental health trainings. So</p> <p>11 I'm okay.</p> <p>12 Q. You don't have a class of second graders who</p> <p>13 are watching this deposition right now?</p> <p>14 A. No. They start school Monday. We do have meet</p> <p>15 the teacher this afternoon.</p> <p>16 Q. Okay. My son started school on Monday so I</p> <p>17 know all the different schools start at different</p> <p>18 times. Well, thank you for being here with us this</p> <p>19 morning. I just have a knew questions, not a lot.</p> <p>20 Sounds like you don't remember when this</p> <p>21 interaction with Vivint sales representative took</p> <p>22 place?</p> <p>23 A. No.</p> <p>24 Q. Was it -- you don't recall the year?</p> <p>25 A. It wasn't a long time after I moved in there.</p>

<p style="text-align: right;">Page 18</p> <p>1 It was a new construction and, like I say, I closed on 2 it on September 26th of 2019 and it was -- I don't 3 know how long after that. It wasn't too far but I 4 know it was, like, late fall or early winter. I'm 5 thinking it was in 2019 or early -- 6 Q. And this was a -- it sounds like a young man; 7 is that right? 8 A. Yes. 9 Q. And it sounds like he clearly identified 10 himself as being a representative of Vivint; is that 11 right? 12 A. He did say that he was with Vivint. 13 Q. Do you recall if he had a shirt with the Vivint 14 logo on? 15 A. Yes. 16 Q. Okay. Did he have a hat that also identified 17 him as being with Vivint? 18 A. Yes. 19 Q. Do you recall if he had a badge? 20 A. Yes, he was wearing a badge. 21 Q. Okay. And at some point CPI actually made, I 22 think, four attempts to reach you via telephone to 23 discuss this interaction, do you recall that? CPI 24 produced some audio recordings, four of those audio 25 recordings, where CPI customer service representatives</p>	<p style="text-align: right;">Page 20</p> <p>1 was part of CPI. 2 Q. Right. Let me focus on that. You don't recall 3 when this took place which I totally understand. But 4 as you sit here today do you actually have a precise 5 recollection of the words that the Vivint sales 6 representative used? 7 A. He said that either they were part of CPI or 8 with CPI, I don't remember which one of those words. 9 But I know that it was just a red flag to me as far as 10 when he said that piece and I never heard of Vivint. 11 Q. Right. Okay. Do you recall when you called 12 or -- I'm sorry, when CPI called you and discussed 13 this did the CPI customer service representative, 14 Mike, asked you did he say that he was a partner with 15 CPI; do you recall that? 16 A. A part, a partner. 17 Q. Partner. Partner. 18 A. Partner. 19 Q. Yeah. 20 A. It could have been that. 21 Q. Well, when you say it could have been that my 22 question was do you recall the CPI representative 23 suggesting to you that the Vivint sales representative 24 told you he was a partner with CPI? 25 A. I do not recall the exact wording, but that's</p>
<p style="text-align: right;">Page 19</p> <p>1 leaving you voice messages on your phone; do you 2 recall that? 3 A. I was getting messages but I told you, I've 4 been taken by scams and I just don't answer the phone 5 if I don't recognize it and I have a lot of things 6 going on I did not return those calls. 7 Q. Yep, I totally understand. And the fifth audio 8 recording was a CPI representative by the name of 9 Mike, I didn't -- I wasn't sure of his last, it 10 sounded like Sarantan (phonetic). Do you recall 11 having a conversation with a CPI customer service 12 representative by the name of Mike? 13 A. When I called I had a conversation with a man. 14 I don't recall the name that was -- 15 Q. Okay. I'll represent to you that it was 16 actually CPI that called you on this instance as 17 opposed to you calling CPI. Is that inconsistent with 18 your recollection? 19 MR. ROHNER: Object to form. 20 A. I reached out to CPI after getting I think it 21 was an e-mail and it may be that I e-mailed and they 22 called me. 23 Q. Yeah. I'm sorry. Go ahead. 24 A. I just -- I know that I reached out that that 25 had happened as far as the representative saying it</p>	<p style="text-align: right;">Page 21</p> <p>1 what made me -- they were a part of CPI. 2 Q. A part of -- see, my recollection of your 3 conversation which I listened to your conversation 4 with CPI is the Vivint representative told you there 5 are some additional options that Vivint has that they 6 wanted to offer you and your response was I'm with 7 CPI, I'm happy with CPI, I don't need any additional 8 security; do you recall that? 9 A. Yes. 10 Q. Okay. And that you didn't tell the CPI 11 representative that the Vivint representative said he 12 was a partner or a part of CPI that he was there to 13 provide additional options; do you recall that? 14 A. He said -- I mean, before he said that he was 15 there to provide -- to have -- they had additional 16 options he said he was a part of or with CPI. I can't 17 remember the exact wording there. 18 Q. And how -- I mean, you don't recall when this 19 took place. Are you confident in your recollection 20 that he said he was part of CPI? 21 A. It was a wording like that but at the time I 22 did not, like, write it down or, like, anything like 23 that. 24 Q. Okay. So as you sit here today you don't have 25 a precise recollection of what the Vivint sales</p>

<p style="text-align: right;">Page 22</p> <p>1 representative said exactly; is that right?</p> <p>2 A. No, just the meaning that I took them to mean</p> <p>3 they were part of or with CPI.</p> <p>4 Q. Okay. And sounds like you've been a CPI</p> <p>5 customer since 2017. Prior to becoming a CPI customer</p> <p>6 did you have a security system in your home?</p> <p>7 A. No.</p> <p>8 Q. And how did you become a CPI customer? Did you</p> <p>9 reach out to CPI, did they reach out to you? How did</p> <p>10 that take place?</p> <p>11 A. They reached out to me.</p> <p>12 Q. Okay. And how did they reach out to you?</p> <p>13 A. It was a representative.</p> <p>14 Q. Did that representative come to your door?</p> <p>15 A. Yes.</p> <p>16 Q. So he was an engaged in the same to direct home</p> <p>17 marketing that the Vivint sales representative was</p> <p>18 engaged in; is that right?</p> <p>19 A. Yes. I just knew who this one was.</p> <p>20 Q. No. Yeah, I understand. It looks like as part</p> <p>21 of your CPI contract that you agreed to a financing</p> <p>22 arrangement for the equipment CPI provided; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. So part of your monthly payment, part of that</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. STEWARD: Objection as to form.</p> <p>2 Q. You can answer.</p> <p>3 A. Okay. No. That was the total meaning that I</p> <p>4 understood him saying. He was trying to get he on</p> <p>5 board because they were connected to CPI.</p> <p>6 Q. And sitting here today do you have any doubts</p> <p>7 about your memory that he said words to meaning to you</p> <p>8 that you were -- that there was a connection of some</p> <p>9 sort between CPI and Vivint?</p> <p>10 MR. STEWARD: Object as to form.</p> <p>11 Q. You can answer.</p> <p>12 A. No, I don't have any doubts about the meaning.</p> <p>13 MR. ROHNER: Okay. That's all I have.</p> <p>14 RE-EXAMINATION</p> <p>15 BY MR. STEWARD:</p> <p>16 Q. Just a couple follow ups. Apologies, Ms.</p> <p>17 Garren. So I guess why -- the confusion I have is you</p> <p>18 understood him to be saying he was part of CPI but you</p> <p>19 told him you were happy with CPI, right?</p> <p>20 A. Yes, I didn't need any additional options.</p> <p>21 Q. Right. So you obviously understood he was with</p> <p>22 a different company, correct?</p> <p>23 A. Yeah. I just thought the two were -- I guess I</p> <p>24 just thought it was all connected.</p> <p>25 Q. Well, if you thought it was all connected why</p>
<p style="text-align: right;">Page 23</p> <p>1 is for the monitoring and part of that is to pay for</p> <p>2 the equipment that CPI financed; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. Have you had any problems with the</p> <p>5 functionality of your CPI system?</p> <p>6 A. No.</p> <p>7 MR. STEWARD: Those are all the questions</p> <p>8 I have. Thank you so much for your time this morning.</p> <p>9 MR. ROHNER: I just have one quick follow</p> <p>10 up.</p> <p>11 RE-EXAMINATION</p> <p>12 BY MR. ROHNER:</p> <p>13 Q. Ms. Garren, you were just asked some questions</p> <p>14 about your memory of the exact language used by the</p> <p>15 representative. You recall those questions from</p> <p>16 Mr. Steward?</p> <p>17 A. Yes.</p> <p>18 Q. As to whether you remember exactly what he</p> <p>19 said. And do you remember exactly what he said?</p> <p>20 A. No.</p> <p>21 Q. But do you remember what you understood the</p> <p>22 meaning of his statement whether it be a part of CPI</p> <p>23 or with CPI; do you have any doubt as to your</p> <p>24 understanding and your memory of the meaning of what</p> <p>25 the representative said?</p>	<p style="text-align: right;">Page 25</p> <p>1 would you tell him that you didn't want any Vivint</p> <p>2 options, you were happy with your current provider,</p> <p>3 CPI?</p> <p>4 A. Well, for one thing I couldn't afford any more</p> <p>5 security than I already paid. I was newly divorced</p> <p>6 and I never been on my own before 'cause I'd been</p> <p>7 married for so long so I just didn't want any more</p> <p>8 cost and that I didn't need the extra options.</p> <p>9 Q. Right. Do you recall -- you said you received</p> <p>10 an e-mail from CPI; do you recall what that e-mail</p> <p>11 said?</p> <p>12 A. No. Just that they had had reports of Vivint</p> <p>13 representatives passing themselves off as connected to</p> <p>14 CPI.</p> <p>15 Q. And did that e-mail, do you believe, influenced</p> <p>16 your belief that this sales representative was doing</p> <p>17 the conduct that CPI was warning you about?</p> <p>18 A. Well, because he had made that connection to</p> <p>19 CPI when I told him I had CPI.</p> <p>20 Q. Right. Did he -- did this sales representative</p> <p>21 have any anything on his -- in his uniform or on his</p> <p>22 badge that had the words CPI on it?</p> <p>23 A. No.</p> <p>24 Q. Okay. And you told him -- you told the Vivint</p> <p>25 sales rep that you were with CPI, right?</p>

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1 A. Yes.

2 Q. Okay. He didn't tell you oh, I know you're

3 with CPI, correct?

4 A. No.

5 Q. You're the one that told him you were a CPI

6 customer; is that right?

7 A. Yes.

8 Q. Prior to this deposition did anybody on behalf

9 of CPI, a lawyer or somebody else, reach out to you

10 about this deposition?

11 A. I had voicemail.

12 Q. From whom?

13 A. Pardon me?

14 Q. Someone left you a voicemail; is that right?

15 A. Yes.

16 Q. And who left you a voicemail?

17 A. I don't know.

18 Q. Okay. Well, I guess what I'm trying to

19 understand is what arrangements were made for you to

20 appear for this deposition today? Who made those

21 arrangements?

22 A. I -- well, there was the voicemail that I

23 didn't know if it was legit or not but then it was

24 when they showed up at my house with the papers for

25 the deposition last week I think --

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1 Q. Okay. And who showed up --

2 A. -- that I realized this is real.

3 Q. And who showed up that your house?

4 A. I don't know, somebody delivering the papers.

5 Q. Okay. And was that a subpoena, if you know,

6 for this deposition?

7 A. Yes, it was a subpoena.

8 Q. Okay. Other than receiving the subpoena, did

9 you have any conversations with anybody about the

10 deposition here today? Did anybody interview you or

11 talk to you about the deposition?

12 A. No.

13 MR. STEWARD: Okay. Those are all my

14 questions. Thank you very much.

15 MR. ROHNER: I have nothing further.

16 Thank you so much for your time.

17 THE WITNESS: Thank you.

18 MR. STEWARD: Have a good day.

19 THE VIDEOGRAPHER: The time is 10:43 a.m.,

20 we're off the record.

21 (Off the record at 10:43 a.m.)

22 (Signature was waived.)

23

24

25

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1 STATE OF NORTH CAROLINA

2 COUNTY OF GUILFORD

3

4 REPORTER'S CERTIFICATE

5 I, Erin Ramsey, a Notary Public in and for the

6 State of North Carolina, do hereby certify that there

7 came before me on Thursday, the 19th day of August,

8 2021, the person hereinbefore name, in Henderson

9 County, who was by me duly sworn to testify to the

10 truth and nothing but the truth of his knowledge

11 concerning the matters in controversy in this cause;

12 that the witness was thereupon examined under oath,

13 the examination reduced to typewriting under my

14 direction, and the deposition is a true record of the

15 testimony given by the witness.

16 I further certify that I am neither attorney or

17 counsel for, nor related to or employed by, any

18 attorney or counsel employed by the parties hereto or

19 financially interested in the action.

20 IN WITNESS WHEREOF, I have hereto set my hand,


21 this the 27th day of August, 2021, according to the

22 emergency video notarization requirements contained in

23 G.S. 10B-25.

24

25



Erin Ramsey, Notary Public
Notary Number: 201814200166

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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